

REMARKS

In the final Office Action, the Examiner rejects claims 1-7, 11, 12, 14, 16, 20-23, and 25-28 under 35 U.S.C. § 103(a) as unpatentable over GUTOWSKI et al. (U.S. Patent Application Publication No. 2003/0054834) in view of AGRE et al. (U.S. Patent No. 6,073,013) and RICHTON (U.S. Patent No. 6,650,902); rejects claims 8-10, 13, 17-19, and 24 under 35 U.S.C. § 103(a) as unpatentable over GUTOWSKI in view of AGRE and RICHTON and further in view of COPLEY (U.S. Patent No. 6,639,516); and rejects claim 15 under 35 U.S.C. § 103(a) as unpatentable over GUTOWSKI and AGRE in view of MYERS et al. (U.S. Patent Application Publication No. 2004/0122956). Applicant respectfully traverses the rejections.

By the present Amendment, Applicant proposes to amend claims 1, 4, 5, and 12-23 to improve form. No new matter has been added. Support for the claims can be found throughout the originally filed application, for example, at paragraph 38, bridging pp. 11 and 12; and paragraph 40, bridging pp. 12 and 13.

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not raise any new issues requiring further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; c) does not present any additional claims without canceling a corresponding number of finally rejected claims; and d) places the application in better form for appeal, should an appeal be necessary. Entry of the Amendment is thus respectfully requested.

Claims 1-7, 11, 12, 14, 16, 20-23, and 25-28 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over GUTOWSKI in view of AGRE and RICHTON. Applicant respectfully traverses the rejection.

Amended independent claim 1 is directed to a method comprising determining whether a location finding device is within a first distance of a first location; and when the location finding device is not within the first distance of the first location: determining whether a wireless access point is available, and transmitting information indicative of a location of the location finding device to a server via the wireless access point, when the wireless access point is determined to be available; determining whether a designated locating party is located within a predefined distance of the location finding device; and when the designated locating party is determined to be located within the predefined distance of the location finding device, conveying information associated with the location finding device to the designated locating party to enable the designated locating party to physically search for the location finding device. GUTOWSKI, AGRE, and RICHTON do not disclose or suggest this combination of features.

For example, GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination, fail to disclose or suggest at least conveying information associated with a location finding device to a designated locating party to enable the designated locating party to physically search for the location finding device. Whereas the Examiner, at pp. 2 and 3 of the final Office Action, admits that GUTOWSKI fails to disclose even transmitting information indicative of a location of the location finding device to a server via the wireless access point, when the wireless access point is determined to be available, the Examiner asserts that AGRE, at Fig. 3a, discloses

determining the location of the mobile (step 106); identifying which service providers are available based on position (step 108); performing service provider negotiation (step 110); and transferring the mobile to that service provider/channel (steps 118, 120, and 124). Nowhere in this section or elsewhere, however, does AGRE disclose or suggest conveying information associated with a location finding device to a designated locating party to enable the designated locating party to physically search for the location finding device, as required by claim 1. RICHTON also fails to disclose or suggest this feature.

For at least the foregoing reasons, Applicant submits that claim 1 is patentable over GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination.

Claims 2-7 and 11 depend from claim 1 and thus are patentable over GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 1.

Amended independent claim 12 is directed to a location system comprising a server to store information identifying a party associated with a location finding device, an emergency service provider associated with a current location of the location finding device, and a locating party associated with the location system; and a wireless transceiver configured to communicate with a wireless access device; and a global positioning system receiver configured to receive global positioning system satellite signals, the location finding device being configured to determine the current location of the location finding device using the received global positioning system satellite signals and report the current location to at least two of the party associated with the location finding device, the emergency service provider, and the locating party using the stored

information via the wireless access device when an absence of signals periodically transmitted from a device is detected by the location finding device; and the location finding device being configured to receive an identifier from the wireless access device indicative of a preferred access provider. GUTOWSKI, AGRE, and RICHTON do not disclose or suggest this combination of features.

For example, GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination, fail to disclose or suggest at least a server to store information identifying a party associated with a location finding device, an emergency service provider associated with a current location of the location finding device, and a locating party associated with the location system; and the location finding device being configured to report the current location of the location finding device to at least two of the party associated with the location finding device, the emergency service provider, or the locating party using the stored information via an wireless access device. Nowhere in the portions of GUTOWSKI, AGRE, and RICHTON relied upon by the Examiner with respect to the outstanding rejection of claim 12, or elsewhere, do GUTOWSKI, AGRE, and RICHTON disclose or suggest this feature.

For at least the foregoing reasons, Applicant submits that claim 12 is patentable over GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination.

Amended independent claim 14 is directed to a system comprising means for determining whether a location finding device is within a first distance of a specific location or area; means for determining whether a wireless access point is available to the location finding device; means for receiving, at the location finding device, an identifier

from the wireless access point indicative of a preferred access provider; means for reporting information indicative of a location of the location finding device to a database server via the wireless access point; means for storing, at the database server, contact information for a party associated with the location finding device; and means for generating, at the database server, a notification reporting the location using the contact information. GUTOWSKI, AGRE, and RICHTON do not disclose or suggest this combination of features.

For example, GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination, fail to disclose or suggest at least means for storing, at a database server, contact information for a party associated with a location finding device; and means for generating, at the database server, a notification reporting a location of the location finding device using the contact information. Nowhere in the portions of GUTOWSKI, AGRE, and RICHTON relied upon by the Examiner with respect to the outstanding rejection of claim 14, or elsewhere, do GUTOWSKI, AGRE, and RICHTON disclose or suggest this feature.

For at least the foregoing reasons, Applicant submits that claim 14 is patentable over GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination.

Claim 16 depends from claim 14 and thus is patentable over GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 14.

Amended independent claim 20 is directed to a server for receiving location information from a locator device. The server comprises a database configured to store

information associated with a plurality of users, the information including contact information and a physical description associated with each of the users, and a processing device configured to: receive a signal transmitted from the locator device associated with a first one of the users, and identify contact information associated with the first user stored in the database. GUTOWSKI, AGRE, and RICHTON do not disclose or suggest this combination of features.

For example, GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination, fail to disclose or suggest at least a database configured to store information associated with a plurality of users, the information including contact information and a physical description associated with each of the users. The Examiner asserts that GUTOWSKI discloses “a cellular system which uses an HLR/database to store profile information about each user, including at least a phone number and a name.” (final Office Action at p. 3). Applicant notes that such disclosure is not found anywhere in GUTOWSKI and respectfully requests that the Examiner specify where in GUTOWSKI such disclosure occurs should the rejection be maintained. The alleged disclosure notwithstanding, nowhere does GUTOWSKI disclose or suggest a database configured to store information associated with a plurality of users, the information including contact information and a physical description associated with each of the users, as required by claim 20. AGRE and RICHTON also fail to disclose or suggest this feature.

For at least the foregoing reasons, Applicant submits that claim 20 is patentable over GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination.

Claims 21-23, and 25-28 depend from claim 20 and thus are patentable over GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 20. Claims 21-23, and 25-28 are also patentable over GUTOWSKI, AGRE, and RICHTON for reasons of their own.

For example, claim 21 recites that the processing device is further configured to use stored information associated with the plurality of locating parties to determine a nearest locating party to a location of the locator device indicated by a received signal from the locator device, and use the stored information associated with the locating party to convey a physical description of a first user to the nearest locating party. Nowhere in the portions of GUTOWSKI, AGRE, and RICHTON relied upon by the Examiner with respect to the outstanding rejection of claim 21, or elsewhere, do GUTOWSKI, AGRE, and RICHTON disclose or suggest these features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-7, 11, 12, 14, 16, 20-23, and 25-28 based on GUTOWSKI, AGRE, and RICHTON.

Claims 8-10, 13, 17-19, and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over GUTOWSKI, AGRE, RICHTON, and further in view of COPLEY. Applicant respectfully traverses the rejection.

Claims 8-10 depend from claim 1 and thus are patentable over GUTOWSKI, AGRE, and RICHTON whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 1. COPLEY does not cure the deficiencies set forth above with respect to claim 1. Therefore, claims 8-10 are patentable over

GUTOWSKI, AGRE, RICHTON, and COPLEY whether taken alone or in any reasonable combination.

Claim 13 depends from claim 12 and thus is patentable over GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 12. COPLEY does not cure the deficiencies set forth above with respect to claim 12.

Claims 17-19 depend from claim 14 and thus are patentable over GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 14. COPLEY does not cure the deficiencies set forth above with respect to claim 14. Therefore, claims 17-19 are patentable over GUTOWSKI, AGRE, RICHTON, and COPLEY whether taken alone or in any reasonable combination.

Claim 24 depends from claim 20 and thus is patentable over GUTOWSKI, AGRE, and RICHTON, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 20. COPLEY does not cure the deficiencies set forth above with respect to claim 20. Therefore, claim 24 is patentable over GUTOWSKI, AGRE, RICHTON, and COPLEY whether taken alone or in any reasonable combination.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 8-10, 13, 17-19, and 24 based on GUTOWSKI, AGRE, RICHTON, and COPLEY.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as unpatentable over GUTOWSKI and AGRE in view of MYERS.

Applicant submits that the rejection of claim 15 is improper and should be withdrawn. Applicants note that the rejection of claim 15 is an improper rejection because although claim 15 depends from a claim that stands rejected in view of RICHTON, claim 15 does not stand rejected in view of RICHTON. Furthermore, claim 15 depends from claim 14 and thus is patentable over GUTOWSKI and AGRE, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 14. MYERS does not cure the deficiencies of GUTOWSKI and AGRE set forth above with respect to claim 14. Therefore, claim 15 is patentable over GUTOWSKI, AGRE, and COPLEY whether taken alone or in any reasonable combination.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 15 based on GUTOWSKI, AGRE, and MYERS.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims. If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

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